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EXAMINER				
ADDY, THUAN KNOWLIN				
ART UNIT		PAPER NUMBER		
2614				
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06/09/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/907,908

**Applicant(s)**

MESSENGER ET AL.

**Examiner**

THJUAN K. ADDY

**Art Unit**

2614

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11, 12, and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 9, 11, 12, and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on February 17, 2009 has been entered. No claims have been amended. Claims 10 and 13 have been cancelled. No claims have been added. Claims 1-9, 11, 12, and 14 are still pending in this application, with claims 1, 5, 9, 11, and 12 being independent.

### *Allowable Subject Matter*

2. Claims 1-8 are allowed.

3. The following is a statement of reasons for the indication of allowable subject matter: The invention as claimed is not disclosed nor rendered obvious in view of the prior art of record. As to independent claims 1 and 5, the prior art of record fails to teach or suggest, alone or in combination, the recited method and communication network of providing preferential access for particular point-to-point calls between preferred users of a communication network wherein said particular calls are established via circuits between switching nodes.... **a permanently reserved circuit segment** being available only for said particular calls between users at least one of whom is a preferred user and not available for calls between users of said network neither of whom is a preferred user, and **dynamically allocating circuit segments elected from said reserved segments and needed to set up a circuit from a**

**preferred user in the event of a call set-up request by said preferred user.** No prior

art was found that discloses or teaches the limitations of claims 1 and 5.

4. Claims 2-4 and 6-8 are dependent upon claims 1 and 5, respectively, therefore claims 2-4 and 6-8 are allowed.

***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 9, 11, 12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Chugo et al. (US 5,425,019).

7. In regards to claims 9 and 11, Chugo discloses a method of providing preferred access for particular point-to-point calls between users of a network (See Fig. 4), said network including at least two switching nodes (See Fig. 4 and nodes A, B, and C) and a plurality of circuit segments (See Fig. 4 and virtual circuits (VC) identified by virtual circuit identifiers {VCI}) connected between said two switching nodes (See col. 12-13 lines 59-9), said method comprising the steps of: permanently reserving a subset of said circuit segments such that reserved (e.g., circuit for emergent calls) and unreserved segments (e.g., circuit for normal calls) are provided between said two switching nodes; according preferred status (e.g., emergent) to a subset of users of said network; and providing access to said reserved segments only for point-to-point calls involving a user having preferred status and not for calls involving users of said network neither of whom has said preferred status (See Abstract, col. 2 lines 16-37, and col. 5-6 lines 65-11).

8. In regards to claim 12, Chugo discloses a communications network including at least two switching nodes (See Fig. 4 and nodes A, B, and C) and a plurality of circuit segments (See Fig. 4 and virtual circuits (VC) identified by virtual circuit identifiers {VCI}) connected between said two switching nodes (See col. 12-13 lines 59-9), wherein said plurality of circuit segments include first and second segments with a point-to-point call involving a user having preferred status having higher priority access to said first segments than to said second segments (See col. 5 lines 52-59); and said network includes at least one of hardware and software which dynamically allocates said first segments only amongst point-to-point calls involving users of said network having said preferred status (e.g., emergent), wherein said first segments are only available to calls involving a user having said preferred status and are not available to calls involving a user not having said preferred status (See Abstract, col. 2 lines 16-37, and col. 5-6 lines 65-11).
9. In regards to claim 14, Chugo discloses a method, wherein said user has a higher priority access to said reserved segments and has a lower priority access to said unreserved segment (See col. 5 lines 52-59).

### ***Response to Arguments***

10. Applicant's arguments filed 02/17/2009 have been fully considered but they are not persuasive.
11. In response to Applicants' argument that Chugo shows switching nodes A, B, and C, but does not permanently reserve circuit segments between any of the nodes,

and that the "reserved" segments in Chugo are used by the normal call, just that the emergency call has a higher priority, Examiner respectfully disagrees. For instance, claim 9 recites "permanently reserving a subset of said circuit segments such that reserved and unreserved segments are provided between said two switching nodes..." Chugo discloses permanently reserving a subset of said circuit segments such that reserved (e.g., circuit for emergent calls) and unreserved segments (e.g., circuit for normal calls) are provided between said two switching nodes (See Fig. 4 and nodes A, B, and C) (See Abstract, col. 2 lines 16-37, and col. 5-6 lines 65-11). Furthermore, claims 11 and 12 do not recite the limitation of "permanently reserving". Claims 11 and 12 merely recite the use of "preferred status", which however, is not the same as "permanently reserving". Furthermore, neither claim 9, 11, or 12 recite the limitation of dynamically allocating circuit segments elected from said reserved segments and needed to set up a circuit from a preferred user in the event of a call set-up request by said preferred user.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
13. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/  
Primary Examiner, Art Unit 2614